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9 DESERT VALLEY HOSPITAL, LLC
10 dba DESERT VALLEY HOSPITAL

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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11 COLLEEN MANGHANE; and) Case No.: 5:25-cv-01107 JGB (DTBx)
12 ROBERT MANGHANE,)
13 Plaintiffs,) Related Case No.: 5:25-cv-00140-
14 vs.) WLH-SHK
15 COUNTY OF SAN BERNARDINO;) REQUEST FOR JUDICIAL NOTICE
16 SHANNON D. DICUS; DESERT) SUPPORTING MOTION TO DISMISS
17 VALLEY HOSPITAL; and DOES 1-) PLAINTIFFS' COMPLAINT BY
18 15, inclusive.) DEFENDANT DESERT VALLEY
19) HOSPITAL, LLC dba DESERT
20) VALLEY HOSPITAL
21)
22 Defendants.) DATE: August 11, 2025
23) TIME: 9:00 a.m.
24) CRTRM.: 1
25)
26)
27) JUDGE: Hon. Jesus G. Bernal
28)
29) Complaint filed May 29, 2025
30)
31) Trial scheduled: None
32)
33)

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Defendant DESERT VALLEY
3 HOSPITAL, LLC dba DESERT VALLEY HOSPITAL (hereinafter referred to as
4 “Desert Valley Hospital”) will, and hereby, requests judicial notice of the
5 following facts in support of its Motion to Dismiss the Complaint filed by
6 Plaintiffs COLLEEN MANGHANE and ROBERT MANGHANE (hereinafter
7 collectively referred to as “Plaintiffs”):

8 1. Aaron James, the deceased party whose death forms **the basis of**
9 Plaintiffs’ Complaint, is the biological son of Arthur James and Stacey M. Abbott,
10 as referenced in the Second Amended Complaint filed by Arthur James and
11 Stacey M. Abbott, individually and on behalf of Aaron James as their successors-
12 in-interest, in the matter styled as ARTHUR JAMES, and STACEY M. ABBOTT
13 as parents of, and successors in interest to, AARON JAMES, decedent; Plaintiffs
14 vs. COUNTY OF SAN BERNARDINO, a municipal entity; Sheriff SHANNON
15 D. DICUS,; DESERT VALLEY HOSPITAL, LLC, a Delaware Limited Liability
16 Company; DOES 1-20, inclusive. Defendants., Case Number 5:25-cv-00140-
17 WLH-SHK, as well as in the respective Declarations of Arthur James and Stacey
18 M. Abbott, filed in the same case, pursuant to California Code of Civil Procedure
19 section 377.32, which include the Death Certificate of Aaron James. A true and
20 correct copy of “Second Amended Complaint” is attached hereto as **Exhibit 1** and
21 incorporated herein by this reference. A true and correct copy of “Declaration of
22 Arthur James” is attached hereto as **Exhibit 2** and incorporated herein by this
23 reference. A true and correct copy of “Stacey M. Abbott” is attached hereto as

1 **Exhibit 3** and incorporated herein by this reference.

2 The district court may take judicial notice when deciding a motion to
3 dismiss for failure to state a claim. FRCP 12(b)(6); MGIC Indemnity Corp. v.
4 Weisman, 803 F.2d 500, 504 (9th Cir. 1986).

5 Specifically relating to the fact that Aaron James is the biological son of
6 Arthur James and Stacey M. Abbott, a district court may take judicial notice of “a
7 fact that is not subject to reasonable dispute” if it “is generally known within the
8 trial court’s territorial jurisdiction” or “can be accurately and readily determined
9 from sources whose accuracy cannot reasonably be questioned.” Federal Rules of
10 Evidence, Rule 201(b)(1)-(2). A court “must take judicial notice if a party
11 requests it and the court is supplied with the necessary information.” See Federal
12 Rules of Evidence, Rule 201(c)(2); In re Eisenhower, 755 F.3d 1130, 1142 (9th Cir.
13 2014); **Exhibits 1-3; Complaint**, ¶ 8 (“Plaintiffs are the court ordered permanent
14 legal guardians and foster parents of Decedent”).

15 Specifically relating to the Second Amended Complaint and Declarations
16 filed in the related action referenced above, the district court may take judicial
17 notice of the fact that a lawsuit has been filed, including of a complaint filed in a
18 related court action to ascertain the legal nature of the claim stated in the
19 complaint. E.I. Du Pont de Nemours & Co., Inc. v. Cullen, 791 F.2d 5, 7 (1st Cir.
20 1986). When appropriate, courts may take judicial notice of related lawsuits. See
21 In re Korean Air Lines Co., Ltd., 642 F.3d 685, 689, fn. 1 (9th Cir. 2011).

22 Further, judicial notice may be taken of documents filed in any court
23 proceeding. See ReadyLink Healthcare, Inc. v. State Compensation Ins. Fund,

1 754 F.3d 754, 756, fn. 1 (9th Cir. 2014) (judicial notice of California state court
2 proceedings); In re WorldCom, Inc., 708 F.3d 327, 339, fn. 63 (2nd Cir. 2013).
3 The court may take judicial notice of the existence of an affidavit. Ernst v. Child
4 & Youth Services of Chester County, 108 F.3d 486, 498 (3rd Cir. 1997).

5 Specifically relating to the Death Certificate of Aaron James, the district
6 court may take judicial notice of public records. See Abdullah v. U.S. Security
7 Assocs., Inc., 731 F.3d 952, 959, fn. 10 (9th Cir. 2013); United States v.
8 Manufacturers Hanover Tr. Co., 229 F. Supp. 544, 545 (S.D.N.Y. 1964) (Court
9 judicially noticed death certificate on file in records bureau showing that payee of
10 social security check died on specified date leaving widow surviving).

11

12 Dated: July 18, 2025

GIOVANNIELLO LAW GROUP

13

14 By:



15 Alexander F. Giovanniello

16 Joseph M. Lorant

17 Attorneys for Defendant

DESERV VALLEY HOSPITAL, LLC dba
18 DESERT VALLEY HOSPITAL

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PROOF OF SERVICE

I am employed in the county of Orange, State of California. I am over the age of eighteen and not a party to the within entitled action; my business address is Six Pointe Drive, Suite 520 Brea, California 92821.

On **July 18, 2025**, I served the foregoing document(s) described as, REQUEST FOR JUDICIAL NOTICE SUPPORTING MOTION TO DISMISS PLAINTIFFS' COMPLAINT BY DEFENDANT DESERT VALLEY HOSPITAL, LLC dba DESERT VALLEY HOSPITAL as follows:

See below service list

- () BY U.S. MAIL: I am “readily familiar” with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice the envelope was sealed and placed for collection and mailing with the United States Postal Service on that same day with postage thereon fully prepaid at Brea, California following ordinary business practices.
- () BY FEDERAL EXPRESS OVERNIGHT: I placed said envelope(s) for collection and overnight delivery at a regularly utilized drop box of the overnight delivery carrier.
- (XX)** BY ELECTRONIC SERVICE: I caused the document(s) to be sent from kks@giolawgroup.com to the person(s) at the electronic notification addresses indicated on the service list.

Executed on **July 18, 2025**, at Brea, California.

(XX) STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Kristy K. Shimotani

Kristy K. Shimotani

1 SERVICE LIST

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